



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

June 8, 2020

The Honorable Joseph D. Kernan
Under Secretary of Defense for Intelligence and Security
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Under Secretary Kernan:

We write to inquire about any activities the Defense Intelligence Enterprise may have undertaken or plans to undertake, or for which support has been requested, in connection with the federal government's response to nationwide protests following the murders of George Floyd, Breonna Taylor, and other Black Americans by police officers. The inquiry is especially urgent, in view of the Administration's recent deployment of U.S. military and federal law enforcement personnel and resources to respond to nationwide protests against police brutality and racial discrimination towards Black Americans in the United States.

The sudden and impulsive manner in which the Armed Forces and law enforcement components from across the federal government have been mobilized to date, and the lack of public transparency regarding their orders, operations, authorities, and chains of command and accountability, is deeply troubling. We are concerned that they have been or might be asked to undertake unlawful or unethical activities that could violate civil liberties and erode even further the legitimacy of, and trust in, the military and law enforcement.

We know that you share our reverence for the rights enshrined in the Constitution and are committed to your duty to protect Americans' civil liberties and constitutional rights. In this moment in our nation's history, it is therefore imperative that our institutions and those who have sworn to safeguard those constitutional rights refrain from any activity that could infringe upon those rights, or even be perceived as doing so.

For the combat support agencies ("CSAs"), each of which have unique foreign-focused missions within the Intelligence Community ("IC"), this means ensuring they do not provide intelligence support to United States Northern Command ("USNORTHCOM") or domestic law

enforcement agencies for purposes of monitoring and/or responding to protestors legitimately exercising their First Amendment rights.

The House Permanent Select Committee on Intelligence (“Committee”) therefore seeks to confirm that the CSAs are not providing support to domestic-focused activities by military or federal law enforcement components involved in responding to the protests, including to monitor, assess, or otherwise track Americans who are taking to the streets or otherwise engaging in constitutionally-protected activity within the United States. The Committee also seeks to determine whether your agencies have received inquiries, requests, or direction of any kind from the Administration, the Department of Defense, or other federal departments or agencies to begin planning or preparing for such support.

In this respect, the utilization of defense intelligence resources to provide “situational awareness” to any government personnel responding to domestic events – such as through the use of geospatial intelligence or any intelligence, surveillance, and reconnaissance assets – would be grossly inappropriate and constitute a severe violation of the American people’s trust. Furthermore, the Committee strongly opposes the reassignment or detailing of any personnel from the Defense Intelligence Enterprise to support USNORTHCOM or any other federal law enforcement agency’s response to domestic events.

To ensure that defense intelligence personnel and resources are properly used in furtherance of their foreign intelligence mission, and not inappropriately in domestic affairs, the Committee respectfully requests that, on or before **June 12, 2020**, you provide:

1. Detailed briefings to Committee staff on:
 - a. The DIA’s “internal coordination group” referenced by the DIA spokesperson on June 4, 2020¹, including, but not limited to, the group’s assigned activities, composition, roles and responsibilities, and legal authorities.²
 - b. Any intelligence or situational awareness support provided or planned by USNORTHCOM’s Joint Intelligence Operations Center to USNORTHCOM or federal law enforcement agency’s response to domestic events.
 - c. The priority information requirements, and any attendant collection plans or activity, of the Secretary of Defense, the Chairman of the Joint Chief of Staff, and USNORTHCOM with respect to domestic protests.

¹ See, e.g., Jenna McLaughlin et al., *Pentagon Intelligence Employees Raise Concerns About Supporting Domestic Surveillance Amid Protests*, Yahoo News (June 4, 2020), available at <https://news.yahoo.com/amphhtml/pentagon-intelligence-employees-raise-concerns-about-supporting-domestic-surveillance-amid-protests-194906537.html>.

² Although DIA provided a preliminary briefing to staff from the congressional intelligence committees on June 5, further detail is requested as the situation develops.

2. Any written communication, including, but not limited to, requests for information from any arm of the government to the Directors of the Combat Support Agencies regarding anticipated requirements for intelligence or situational awareness support to USNORTHCOM or federal law enforcement agencies in response to the current domestic protests.
3. A written statement containing your current interpretation of the evaluation criteria in DOD Directive 3025.18, and whether or not the current lawful protests warrant the provision of the defense intelligence enterprise's support when evaluated for, "legality, lethality, risk, cost, appropriateness, and readiness," as stipulated.

As a kind reminder, you are obligated by 50 U.S.C. § 3092(a) to keep the Committee fully and currently informed of any changes to your organizations' roles in response to the domestic protests on an ongoing basis.

It is precisely because of past abuses of power and illegal or inappropriate activities by IC agencies that Congressional oversight of the IC was established. Ensuring that we prevent a recurrence of past abuses is critical to protecting the civil liberties of the American people.

The American people deserve, and expect, that the IC will scrupulously honor its obligation to respect their civil liberties when conducting its vital mission of keeping our nation safe. At this key moment in our history, it is critical that the public retains confidence and trust in the U.S. military and in the IC. The Defense Intelligence Enterprise, sitting uniquely at the intersection of these two institutions, has a special obligation in this regard.

Thank you for your timely cooperation.

Sincerely,



Adam B. Schiff
Chairman

cc: The Honorable Devin Nunes, Ranking Member
General Paul M. Nakasone, Director, National Security Agency
Lieutenant General Robert P. Ashley, Jr., Director, Defense Intelligence Agency
Vice Admiral Robert D. Sharp, Director, National Geospatial-Intelligence Agency